

**IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>CASE NO.: 1:16-cr-00291</b>
	)	
	)	<b>JUDGE: BENITA Y. PEARSON</b>
	)	
<b>vs.</b>	)	<b><u>SENTENCING MEMORANDUM</u></b>
	)	
	)	
<b>CARL PUGH</b>	)	

Now comes Defendant, Carl Pugh, by and through his undersigned counsel, who hereby submits this Sentencing Memorandum setting forth factors for the Court’s consideration in determining an appropriate sentence that is sufficient but not greater than necessary to comply with the statutory directives set forth in 18 U.S.C. 3553(a).

The overriding purposes of sentencing are “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense,” “to afford adequate deterrence to criminal conduct,” “to protect the public from further crimes of the defendant,” and “to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.” 18 U.S.C. 3552 (a)(2).

The purposes of 18 U.S.C 3552 will be served by imposing a sentence based on the plea agreement. While the Court “should begin all sentencing proceedings by correctly calculating the applicable Guidelines range,” the Guidelines are only one of the factors to be considered when imposing a sentence. *Gall v. United States*, 552 U.S. 38, 49, 128 S. Ct. 586, 169 L.Ed. 2d 445 (2007).

This Honorable Court should consider the imposition of the minimum sentence necessary to achieve goals of sentencing anticipated by application of § 3553(a) of the Federal Sentencing Guidelines Manual. “The sentencing court does not enjoy the benefit of a legal presumption that the Guidelines sentence should apply.” *Rita v. United States* 551 U.S. 338, 351, 127, S.Ct. 2456, 168

L.Ed.2d 203 (2007) (citing *Booker v. United States* 543, U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621.)

The district court is “free to make its own reasonable application of the § 3552(a) factors, and to reject (after due consideration) the advice of the Guidelines.” *Kimbrough v. United States*, 552 U.S. 85, 113, 128 S.Ct. 558, 169 L.Ed.2d 481 (2007) (Scalia, J. concurring)

Defendant has a number of mitigating factors that should be taken into account when determining an appropriate sentence: (1) Defendant’s conduct here is an aberration in what was otherwise a law abiding life; (2) during the pendency of this matter Defendant has been cooperative with the government; (3) Defendant’s role in the commission of this offense was minor; and (4) Defendant has issues with addiction and substance abuse.

Defendant has received substance abuse treatment on two occasions including a three-week outpatient program at Glenbeigh in Toledo, Ohio in 2014, and a three-week outpatient program at Laurelwood in Willoughby, Ohio in 2016. He was actively involved in treatment subsequent to his arrest in this case. His addiction and substance abuse issues are the driving factor to bringing him before this Honorable Court. Defendant freely admits his criminal behavior in this matter, seeks in no way to minimize the impact his criminal conduct has had, but merely seeks to offer an explanation as to why an otherwise honest individual would commit the acts he committed.

WHEREFORE, for the reasons set forth herein, and after hearing from the Defendant at the time of sentencing, Defendant prays this Honorable Court consider a just punishment and impose a sentence not greater than necessary to punish him for his criminal behavior.

Respectfully submitted,

**PATITUCE & ASSOCIATES, L.L.C.**

/s/ Joseph C. Patituce  
Joseph C. Patituce (#0081384)  
26777 Lorain Road, Suite 708  
North Olmsted, Ohio 44070  
(440) 471-7784 (Phone)

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Sentencing Memorandum has been forwarded to all parties via the clerk's office electronic filing on the 4<sup>th</sup> day of January, 2017.

/s/ Joseph C. Patituce  
Joseph C. Patituce (#0081384)